



EVENTS AND THE LAW

PROPOSED CONFERENCE EVENTS:

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CULTURE AND THE LAW:

NATIONAL COMMISSION ON CULTURE LAW

1990 (PNDCL 238)

Section 1-Establishment of National Commission on Culture.

(1) There is hereby established a National Commission on Culture (hereafter referred to as "the Commission").

(2) Except as otherwise provided in this Law, the Commission shall be responsible to the Council through the Office of the Chairman of the Committee of Secretaries.

Section 2-Functions of the Commission.

The functions of the Commission are to—

(i) initiate policies and programmes for the dissemination and propagation of ideas for the promotion of national pride, solidarity and consciousness;

(ii) promote the evolution of an integrated National Culture thus creating a distinct Ghanaian personality to be reflected in African and world affairs;

(iii) translate the objectives, programmes and spirit of the revolutionary process into the culture and habits of the Ghanaian people with a view to making the values, ethics and behavioural expectations

enshrined in the tenets of the 31st December Revolution enduring;

- (iv) supervise the implementation of programmes for the preservation, promotion and presentation of Ghanaian culture;
- (v) seek to promote an educational system that motivates and stimulates creativity and draws largely on Ghanaian tradition and values;
- (vi) establish a code of behaviour compatible with Ghanaian tradition of humanism and a disciplined and moral society;
- (vii) promote national self-reliance and self-sufficiency, and reflect Ghanaian cultural heritage and national aspirations in the process of industrialization;
- (viii) work in collaboration with other agencies to promote the broad aims and objectives of the Commission;
- (ix) establish administrative structures and recommend the provision of funds for the implementation of cultural programmes;
- (x) organise an annual congress of Ghanaian artists and cultural workers;
- (xi) perform such other functions as may be prescribed by the Council.

Section 3-Organisations under the Commission.

The Commission shall exercise responsibility over—

- (i) all Regional and District Centres;
- (ii) the Museums and Monuments Board;
- (iii) the W.E.B. Du-Bois Centre for Pan African Culture;
- (iv) the National Theatre of Ghana;
- (v) the Ghana Dance Ensemble;
- (vi) Abibigroma;
- (vii) National Symphony Orchestra;
- (viii) Bureau of Ghana Languages; and

(ix) Copyright Administration.

Section 4-Composition of the Commission.

(1) The Commission shall consist of—

(a) the Chairman who shall be a Provisional National Defence Council Secretary;

(b) a representative of the Ministry of Education;

(c) a representative of the Ministry of Information;

(d) a representative of the 31st December Women's Movement;

(e) a representative of the National House of Chiefs;

(f) a Queenmother;

(g) a representative of the Environmental Protection Council; and

(h) seven other persons to be appointed by the Council.

(2) Members of the Commission other than the Chairman shall hold office for a period of three years and shall be eligible for re-appointment.

(3) A member of the Commission may at any time resign his office by giving one month's notice in writing addressed to the Chairman.

(4) Members of the Commission shall be paid such allowances as the Council may, on the recommendation of the Chairman, determine.

Section 5-Meetings of the Commission.

(1) The Commission shall meet at such times and places as the Chairman may determine, but shall meet at least once in every two months.

(2) At every meeting of the Commission at which he is present the Chairman shall preside and in his absence any member appointed by the members present from among themselves shall preside.

(3) The quorum at every meeting of the Commission shall be eight.

(4) Decisions at every meeting of the Commission shall be taken by a vote of the majority of the members present, and in the event of an equality of votes the person presiding shall have a casting vote.

(5) The Commission may at any time co-opt any person to act as adviser at any of its meetings but such person shall not be entitled to vote on any matter for decision by the Commission.

(6) Any member who fails to attend three consecutive ordinary meetings of the Commission without reasonable cause shall cease to be a member thereof.

(7) Except as otherwise expressly provided in this Law, the Commission shall determine the procedure for its meetings.

Section 6-Commission to Convene Biennial Meeting.

The Commission shall convene a biennial meeting with representatives of all the regional and district committees of National Culture to discuss matters related to the development of culture in the regions and districts of Ghana.

Section 7-Commission to Appoint Committees.

The Commission may for the discharge of its functions appoint committees comprising members of the Commission or non-members or both and may assign to them such functions as the Commission may determine.

Section 8-Members to Disclose Interest.

(1) Any member of the Commission who has any interest whether direct or indirect, in any matter that is a subject for the consideration of the Commission shall disclose in writing to the Commission the nature of his interest and shall not participate in any discussion or decision of the Commission relating to such matter.

(2) Any member who fails to disclose his interest under subsection (1) of this section shall be removed from the Commission.

Section 9-Establishment of Regional Centres.

There shall be established in each Region of Ghana a Centre for National Culture (hereafter referred to as "a Regional Centre").

Section 10-Functions of the Centre.

The functions of a Regional Centre are to—

(a) implement and monitor Government policies relating to the development, promotion, preservation and appreciation of culture and the arts in the Region;

(b) identify, organise and mobilize the artistic resources of the Region and develop the commercial potential of such resources;

(c) organise systematic programmes to project regional peculiarities in the culture and the arts;

(d) pursue activities aimed at contributing to the development of national culture and the arts;

(e) supervise the activities of the District Cultural Centres.

Section 11-Regional Committees.

The governing body of a Regional Centre in each Region shall be the Regional Committee for National Culture (hereafter referred to as "the Regional Committee") which shall oversee the activities of the Regional Centre and ensure the discharge of the functions of the Centre.

Section 12-Membership of a Regional Committee.

(1) A Regional Committee shall consist of the following persons all of whom shall be resident in the Region—

(a) three persons appointed by the Regional Secretary one of whom shall be a member of the Regional Co-ordinating Council;

(b) the Head of Information, Culture and Education Department of the Regional Committee for the Defence of the Revolution;

(c) a representative of the Regional House of Chiefs;

(d) the Regional Director of Education or his representative;

(e) a representative of the Information Services Department;

(f) one representative in the Region of each of the following six artistic disciplines: drama, music, dance, art, craft and the literary arts;

(g) the Regional Director of Community Development or his representative; and

(h) the Regional Director of the Centre appointed under section 14 of this Law.

(2) There shall be a Chairman of every Regional Committee who shall be appointed by the Regional Secretary from among the members of the Committee on the advice of the Commission.

(3) The provisions of subsection (2) to (4) of section 4 of this Law relating to the members of the Commission shall apply with such modifications as may be necessary to the members of a Regional Committee.

Section 13-Meetings of Regional Committee.

The provisions of section 5 of this Law relating to the meetings of the Commission shall apply with such modifications as may be necessary to the meetings of a Regional Committee.

Section 14-Appointment of Regional Director of Centre.

(1) There shall be appointed by the Commission on the advice of the Regional Committee a Director for each Regional Centre (hereafter referred to as the "Regional Director").

(2) The Regional Director shall be responsible for the day-to-day administration of the Regional Centre and for the co-ordination of the activities of the District Centres in the Region.

Section 15-District Centres.

There shall be established in each District in Ghana a Centre for National Culture (hereafter referred to as the "District Centre").

Section 16-Functions of a District Centre.

The functions of a District Centre in relation to the District shall with such modifications as may be necessary be the same as the functions of a Regional Centre provided under section 10 of this Law.

Section 17-District Cultural Committee.

(1) There shall be established in each District, a Committee on National Culture (in this Law referred to as "the District Committee").

(2) The District Committee shall be the governing body of the District Centre.

Section 18-Membership of District Committees.

(1) A District Committee shall consist of the following persons all of whom shall be resident in the District—

(a) three persons to be appointed by the District Secretary, including a traditional ruler and a woman;

(b) the Assistant Director of Education in charge of the District or his representative;

(c) a representative of the Information Services Department;

(d) Head of the Information, Culture and Education Department of the District Committee for the Defence of the Revolution;

(e) a representative of the District National Youth Organising Commission.

(f) a representative of the Department of District Community Development;

(g) one representative for each of the following six artistic disciplines in the District: drama, music, dance, art, craft and the literary arts in the District; and

(h) the District Officer for National Culture.

(2) There shall be a Chairman of the District Committee who shall be appointed by the District Secretary from among the members thereof in consultation with the District Committee.

(3) The provisions of subsections (2) to (4) of section 4 of this Law shall apply with such modifications as may be necessary to a District Committee.

Section 19-Meetings of District Committees.

The provisions of section 5 of this Law relating to meetings of the Commission shall apply with such modifications as may be necessary to meetings of the District Committees.

Section 20-District Cultural Officer.

(1) There shall be appointed a District Officer by the Regional Director for National Culture in consultation with the Regional Committee.

(2) The District Officer shall be responsible for the day-to-day administration of the District Centre.

Section 21-Funds of the Commission, Regional and District Centres.

The funds of the Commission, the Regional or District Centres shall consist of—

(a) grants received from the Government by the Commission, a Regional or District Centre for the discharge of its functions;

(b) gifts; and

(c) funds from such other source as may be approved by the Council.

Section 22-Budget of the Commission.

(1) The Commission shall, three months before the end of each financial year submit to the Provisional National Defence Council Secretary responsible for Finance detailed estimates of the budget of the Commission for the coming year.

(2) The estimated budget of every Regional Centre for the next financial year shall be submitted for approval to the relevant Regional Co-ordinating Council at least three months before the end of the financial year in which it is prepared.

(3) The estimated budget of every District Centre shall be submitted to the District Assembly concerned for approval.

(4) The budget for a Regional or District Centre shall include the aggregate revenue and expenditure including the development plans and programmes.

Section 23-Accounts.

The Commission and every Regional and District Centre shall keep proper books of accounts and proper records in relation thereto and shall prepare immediately after the end of each financial year a statement of its accounts in such form as the Auditor General may direct.

Section 24-Access to Records.

(1) Any person authorised in writing in that behalf by the Commission shall at all reasonable times have access to and be entitled to inspect all books, accounts and records of any Regional or District Centre and may advise the Centre thereon and submit reports to the Commission and the Regional Centre in connection therewith as the case may be.

(2) Any person who wilfully obstructs any person in the discharge of his function under this section shall be guilty of an offence and liable on conviction by a Court or Public Tribunal to a fine not exceeding ₵10,000.00 or a term of imprisonment not exceeding three months or to both; and in the case of a continuing offence to a further fine not exceeding ₵1,000.00 for each day on which the offence continues.

Section 25-Power of Commission to Give Instructions.

(1) The Commission may after consultation with the Secretary responsible for Finance issue written instructions not inconsistent with any of the provisions of this Law for the better control and efficient management of the financial affairs of Regional and District Centres.

(2) The instructions may be issued generally or with respect to any particular Centre and shall be complied with by the Regional or District Centre concerned.

Section 26-Financial Year of Commission.

The financial year of the Commission shall be the same as the financial year of the Government.

Section 27-Regulations.

The Chairman of the Commission may by legislative instrument on the advice of the Commission make such regulations as may be necessary for the effective implementation of this Law.

Section 28-Dissolution of Arts Council.

(1) The Arts Council of Ghana is hereby dissolved.

(2) All assets, rights, obligations and liabilities of the said Arts Council shall be distributed in such manner or transferred to such persons or bodies as the Chairman may determine.

Section 29-Interpretation.

In this Law unless the context otherwise requires—

"Chairman" means the Chairman of the National Commission on Culture.

"Council" means the Provisional National Defence Council;

Section 30-Repeals.

The following enactments are hereby repealed—

(a) The Arts Council of Ghana Decree, 1968 (N.L.C.D. 232); and

(b) The Arts Council of Ghana (Amendment) Decree, 1968 (N.L.C.D. 279).

SOURCE: <http://ghanalegal.com/?id=3&law=540&t=ghana-laws>

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